

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

ANNUAL REPORT FOR CALENDAR YEAR)
1981 REQUIRED BY PUBLIC SERVICE)
COMMISSION REGULATION 807 KAR)
5:006E, SECTION 3(1), AND REPORT)
OF GROSS OPERATING REVENUES)
DERIVED FROM THE INTRA-KENTUCKY)
BUSINESS FOR THE CALENDAR YEAR)
1981, REQUIRED BY KRS 278.140)

ADMINISTRATIVE
CASE NO. 252

RE:

O R D E R

On January 4, 1982, two copies of the annual financial and statistical form (annual report) and two copies of the gross intrastate operating revenues report form (gross operating report) are being mailed to all utilities subject to the jurisdiction of this Commission. These reports should be completed for the calendar year 1981 and the original should be filed with this Commission on or before March 31, 1982, as required by Public Service Commission Regulation 807 KAR 5:006E, Section 3(1), KRS 278.140 and KRS 278.230(3). For good cause shown, the Commission may, upon application in writing, allow a reasonable extension of time for filing of the annual report; however, an extension of time for filing the gross operating report cannot be granted.

The Commission, being sufficiently advised, finds that:

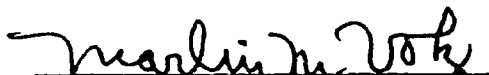
(1) The prompt and timely filing of the annual report and the gross operating report is essential to the operation of the Commission and reasonably required in the exercise of its statutory powers.

IT IS THEREFORE ORDERED that the above-named utility shall file with this Commission its annual report and its gross operating report for the calendar year 1981 on or before March 31, 1982.

IT IS FURTHER ORDERED that any utility failing to comply with this order shall be subject to KRS 278.990 (a copy of which is attached hereto), including the imposition of penalties provided therein.

Done at Frankfort, Kentucky, this 4th day of January, 1982.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary

PENALTIES

278.990 Penalties

(1) Any officer, agent or employee of a utility, as defined in KRS 278.010, and any other person who willfully violates any of the provisions of KRS 278.010 to 278.450, or who procures, aids or abets any violation of those provisions by any such utility, shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six (6) months, or both. If any such utility that is a private corporation violates any of the provisions of KRS 278.010 to 278.450, or does any act therein prohibited, or fails to perform any duty imposed upon it under those sections for which no penalty has been provided by law, or fails to obey any lawful requirement or order of the commission having jurisdiction, the utility shall for each offense forfeit and pay to the state treasurer, to be credited to the general fund, a sum not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000). Each act, omission or failure by an officer, agent or other person acting for or employed by a utility and acting within the scope of his employment shall be deemed to be the act, omission or failure of the utility.

(2) Actions to recover the principal amount due and penalties under KRS 278.010 to 278.450 and this subsection shall be brought in the name of the Commonwealth in the Franklin Circuit Court. Whenever any utility is subject to a penalty under KRS 278.010 to 278.450 or this subsection, the commission having jurisdiction shall certify the facts to its counsel, who shall bring an action for recovery of the principal amount due and the penalty. The commission may compromise and dismiss the action on terms approved by the court. The principal amount due shall be paid into the state treasury and credited to the account of the commission, and all penalties recovered in such actions shall be paid into the state treasury and credited to the general fund.

(3) Any utility that fails to pay an assessment as provided for by KRS 278.130 to 278.150 shall forfeit and pay to the state one thousand dollars (\$1,000), and twenty-five dollars (\$25.00) for each day it fails to pay the assessment, and shall not be released thereby from its liability for the assessment.

(4) Any utility that issues any securities or evidences of indebtedness, or assumes any obligation or liability in respect to the securities or evidences of indebtedness of any other person, or makes any sale or other disposition of securities or evidences of indebtedness, or the proceeds thereof, for purposes other than the purposes specified in the order of the commission made with respect thereto under KRS 278.300, shall be fined not more than ten thousand dollars (\$10,000).

(5) Any utility that violates any of the provisions of KRS 278.460 shall be fined not less than one hundred dollars (\$100) for each offense.

(6) Any company that willfully fails to receive, transport and deliver oil or gas as required by KRS 278.490 shall, in addition to being liable in damages to the injured person, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and each day of willful failure shall constitute a separate offense.

(7) Any telephone company that refuses to make a connection with the exchange or lines of another company for a period of thirty (30) days after being ordered to do so by the utility commission under subsection (2) of KRS 278.530 shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), to be recovered by indictment in the Franklin Circuit Court or in the circuit court of the county where the company requesting the connection resides or has its chief office in this state. If the company desiring the connection proceeds to make the connection, as permitted by subsection (2) of KRS 278.530, and the company so connected with refuses to receive and transmit the toll messages offered to it by the company making the connection, or refuses to deliver messages from its own lines or exchanges to the lines or exchanges of the company making the connection, the company so refusing shall be fined one hundred dollars (\$100) for each day it refuses, to be recovered by indictment in the courts mentioned in the first sentence of this subsection; if it continues so to refuse for a period of six (6) months it shall forfeit its right to do business in this state, and any of its officers, agents or employees who does or attempts to do any business in this state for it after the expiration of the six (6) months' period shall be fined fifty dollars (\$50.00) for each day he does or attempts to do such business.

(8) Any company that violates any of the provisions of KRS 278.520 or 278.530 for which there is no other penalty provided shall be fined five hundred dollars (\$500) for each offense, and each day of such violation shall constitute a separate offense.

HISTORY: 1978 H 547, § 54, eff. 4-1-79

1974 H 393, § 47; KS 786, 842b-2, 2223-2, 3766b-1e, 3952-24, 3952-59, 3952-61, 46791-2, 46791-4

CROSS REFERENCES

Jurisdiction of energy regulatory commission; application of other laws, 279.210